IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION NO. 30 OF 2007

Noormohammed Khatri & Ors. ... Petitioners

V/s.

Municipal Corporation of Greater Mumbai & Ors. ... Respondents

Mr. Rajiv Patil i/by Mr. Anand Kulkarni for the Petitioners

Ms. Shobha Ajeet Kumar for Respondent Nos. 1 and 2

Mr. P.G. Lad, Assistant Government Pleader, for Respondent No. 3

Mr. Sanjeev Singh with Mr. Bhavin Bhatia for Respondent No. 4.

CORAM: **J.N. PATEL AND A.A. SAYED, JJ.**

DATE: **AUGUST 30, 2007**

P.C.:-

1. Heard.

2. The petitioners have approached this Court in public interest being concerned about a plot of land bearing C.T.S. No.

746/16, admeasuring 1000 square metres, situate at Jawahar Nagar, Goregaon (West), Mumbai; and pray that the said plot of land, reserved for playground, should not be put to any other use, and the respondent-Municipal Corporation, which is a statutory body to maintain the playground, should remove all illegal constructions.

3. In the affidavit-in-reply, the respondent-Municipal Corporation has stated that they have taken steps to remove the unauthorised constructions undertaken by respondent No. 4, which has been given the plot for upkeep and maintenance as per the policy of the Municipal Corporation in terms of the Agreement for Maintenance and Management of Garden / P.G. / R.G. / Traffic Island through Sponsors on Adoption Basis, a copy of which is annexed to the petition as Exhibit 'A'.

4. In view of the statement made by the Municipal Corporation that it has noticed certain unauthorised constructions on the said plot of land, which is meant for playground, and it has taken steps to remove the same, therefore, nothing survives in the public

interest litigation.

5. The petition is disposed of with an order to respondents No. 1 to 3 not to permit any illegal construction on the subject plot; and it should be only permitted for being used as a playground and open to public.

6. We grant liberty to the petitioners to move an interim application, if any specific orders are required to be passed by this Court in the matter, if there is any violation by concerned party, of which cognizance and action is not taken by the respondent-Municipal Corporation, by giving 48 hours' notice to the other side.

J.N. PATEL, J.

A.A. SAYED, J.